

DEFICIENCY PROGRESS REPORT – UPDATE 4

March 21, 2008

CUPA: ORANGE COUNTY HEALTH CARE AGENCY

Evaluation Date: March 13 and 14, 2007

Evaluators: Jennifer Lorenzo, Cal/EPA
Mickey Pierce, DTSC
Fred Mehr, OES
Francis Mateo, OSFM

Status: Deficiency 2 remains outstanding.

Next Progress Report (5th Update) Due: June 6, 2008

1. **Deficiency:** The CUPA's annual self-audit report does not adequately depict a complete evaluation of the PAs.

Preliminary Corrective Action by September 30, 2007: The CUPA will ensure that all information submitted by the PAs is complete and consistent. The CUPA is encouraged to modify the PA's annual self-audit checklist to request for narrative summaries of the main topics, such as but not limited to their inspection and enforcement activities and fee accountability.

CUPA Corrective Action (June 11, 2007): The CUPA will be modifying the existing Participating Agency Report to include more narrative program operational questions within the next month. The report will be sent to all Participating Agencies for their completion by September 30, 2007. The new report will address required elements such as fee accountability, training activities, and a narrative summary of inspection and enforcement activities.

Cal/EPA Comments to June 11, 2007, Corrective Action: *Cal/EPA appreciates the CUPA's update on this deficiency. This deficiency remains a correction in progress. On the next progress report due on September 10, 2007, please update Cal/EPA on the progress toward correcting this deficiency, including the final revision of the PA Evaluation Report.*

CUPA Corrective Action (September 7, 2007): The CUPA has modified the existing Participating Agency Report to include more narrative program operational questions. The modified report was provided to CalEPA for review and comments. All comments provided were incorporated in the report. The report was sent to all Participating

Agencies for their completion by September 30, 2007. The new report addresses required elements such as fee accountability, training activities, and a narrative summary of inspection and enforcement activities.

Cal/EPA Comments to September 7, 2007, Corrective Action: *The CUPA has corrected this deficiency; no further update is required.*

- 2. Deficiency:** The CUPA and the PAs have not fully implemented a single unified inspection and enforcement program.

Preliminary Corrective Action by June 12, 2007: The CUPA will convene the Inspection and Enforcement Workgroup. By March 20, 2008, the workgroup will develop and implement an action plan for consolidating, coordinating and making consistent the inspection and enforcement program across all the UPAs, to the maximum extent feasible. By July 1, 2008, the CUPA in conjunction with the PAs will revise their Inspection and Enforcement plan to reflect the specific activities of both the CUPA and the PAs.

CUPA Corrective Action (June 11, 2007): The CUPA's Inspection and Enforcement Committee met on May 16, 2007, and began working on updating the existing Inspection and Enforcement plan to reflect specific activities of the Participating Agencies. An Inspection and Enforcement survey was given to each Participating Agency to complete.

Cal/EPA Comments to June 11, 2007, Corrective Action: *Cal/EPA appreciates the CUPA's effort to reconvene the I&E Committee and initiate an update of their I&E Plan. This deficiency remains a correction in progress. On the next progress report, due on September 10, 2007, please update Cal/EPA on the progress toward correcting this deficiency.*

CUPA Corrective Action (September 7, 2007): The CUPA's Inspection and Enforcement Committee met on August 15, 2007, and continued to work on updating the existing Inspection and Enforcement plan to reflect specific activities of the Participating Agencies.

Cal/EPA Comments to September 7, 2007, Corrective Action: *Cal/EPA appreciates the progress that the CUPA has made toward correcting this deficiency; however, this deficiency remains a correction in progress. On the next progress report, due on December 10, 2007, please update Cal/EPA on the status of this deficiency.*

CUPA Corrective Action (December 10, 2007): The CUPA's Inspection and Enforcement Committee met on November 21, 2007, and continued to work on updating the existing Inspection and Enforcement plan to

reflect specific activities of the Participating Agencies. Completion of the updated document is expected by Spring 2008.

Cal/EPA Comments to December 10, 2007, Corrective Action: *The CUPA continues to make progress toward correcting this deficiency. On the next update, due on March 10, 2008, please update Cal/EPA on the status of the CUPA's progress toward correcting this deficiency, including a copy of the CUPA's revised I&E Program plan if available then.*

CUPA Corrective Action (March 11, 2008): The CUPA's Inspection and Enforcement Committee met on February 27, 2008, and continued to work on updating the existing Inspection and Enforcement plan to reflect specific activities of the Participating Agencies. Completion of the updated document is expected by May/June 2008.

Cal/EPA Comments to March 11, 2008, Corrective Action: *The CUPA continues to make great progress toward correcting this deficiency. On the next update, due on June 6, 2008, please update Cal/EPA on the CUPA's progress toward correcting this deficiency, including a copy of the CUPA's revised I&E Program Plan, if available.*

3. **Deficiency:** The CUPA does not adequately ensure that all PA staff is receiving relevant on-going training.

Preliminary Corrective Action by September 30, 2007: The CUPA will obtain records of on-going training for all PA inspectors, including Engine Company inspectors, and ensure that on-going training requirements are being met.

CUPA Corrective Action (June 11, 2007): The CUPA will develop within the new Participating Agency Report a training section to document all trainings with detailed descriptions. These reports will be collected from the Participating Agencies by September 30, 2007.

Cal/EPA Comments to June 11, 2007, Corrective Action: *Cal/EPA appreciates the CUPA's update on this deficiency. This deficiency remains a correction in progress. On the next progress report due on September 10, 2007, please update Cal/EPA on the progress toward correcting this deficiency, including the final revision of the PA Evaluation Report and training log template or sample spreadsheet, if applicable.*

CUPA Corrective Action (September 7, 2007): The CUPA developed within the new Participating Agency Report a training section to document all trainings with detailed descriptions. These reports will be collected

from the Participating Agencies by September 30, 2007, and reviewed for completeness.

Cal/EPA Comments to September 7, 2007, Corrective Action:

Cal/EPA appreciates the CUPA's efforts toward correcting this deficiency. Submittal of documentation reporting detailed on-going trainings of inspectors from at least two PAs will correct this deficiency. Please submit documentation on or before December 10, 2007.

CUPA Corrective Action (December 10, 2007): The CUPA developed within the new Participating Agency Report a training section to document all trainings with detailed descriptions. Participating Agency Reports were collected for fiscal year 06/07 by September 30, 2007. Please see attached Participating Agency training logs from Huntington Beach and Orange Fire as examples of on-going training documentation.

Cal/EPA Comments to December 10, 2007, Corrective Action: *The CUPA has satisfactorily corrected this deficiency. No further update is requested.*

4. **Deficiency:** The CUPA is not always ensuring that return to compliance documentation is provided within the 30 days allowed for minor violations or other timeframes provided by the inspector.

Preliminary Corrective Action by May 13, 2007: The CUPA will remind staff to either provide the developed Return to Compliance documents or to ensure that re-inspections are scheduled within a reasonable timeframe.

CUPA Corrective Action (June 11, 2007): The CUPA reviewed the evaluation Summary of Findings with inspection staff at the April 3, 2007 monthly staff meeting. Inspection staff and supervisors were reminded to ensure that return to compliance documentation is provided within the 30 days allowed for minor violations or other timeframes provided by the inspector. Quality control reports were revised to show more detail and will be reviewed bimonthly by CUPA administrative staff.

Cal/EPA & DTSC Comments to June 11, 2007, Corrective Action:

DTSC accepts the CUPA's response as sufficient to document correction of this deficiency. No further update is required.

5. **Deficiency:** The CUPA is not consistently classifying violations in a manner consistent with the definition of a Class I violation.

Preliminary Corrective Action by June 13, 2007: The CUPA will remind staff of the definition of Class I violations and for the need to elevate the classification of violations in instances of repeated failures to comply.

CUPA Corrective Action (June 11, 2007): On June 5, 2007, training on violation classification was provided by Mickey Pierce from DTSC to inspection staff and supervisors. The need to elevate the classification of a violation in the instance of repeated failures to comply was also discussed.

Cal/EPA & DTSC Comments to June 11, 2007, Corrective Action:
DTSC accepts the CUPA's response as sufficient to document correction of this deficiency. No further update is required.